

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kevin P. Connors et al.

Application No.: 10/687,040

Filed: October 16, 2003

For: HAIR REMOVAL DEVICE AND
METHOD

Confirmation No.: 8964

Group Art Unit: 3739

Examiner: Ahmed M. Farah

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
Telephone: (415) 772-4900
Facsimile: (415) 398-2890M/S AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

12/29/2004 MBEYENE1 00000053 10687040

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180.00 OP

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited
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envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on Dec. 21, 2004.

STALLMAN & POLLOCK LLP

Dated: 12/21/2004

By:

Georgia K. Stith
Georgia K. Stith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

An effort has been made to provide the Examiner with material references. This effort has resulted in a relatively long list of references. These references include both the references listed in attached PTO-1449 form, and the references listed in the previous PTO-1449 form previously submitted in connection with the present application. Given the number of references provided in PTO-1449 forms, some selected references from the submitted PTO-1449 forms are shown in the shortened list immediately following this paragraph. This shortened list is not meant to exclude other references from consideration, and indeed should not be taken as a

Atty Docket No.: ALTU-530

representation that other references identified in the submitted PTO-1449 forms are less material. However, as of the time of submission of the this Information Disclosure Statement, the references shown in the list below are believed by the undersigned to be worthy of highlighting by identification in this shorter list.

- US Patent 5,405,368, inventor Eckhouse; additional references are shown in the submitted PTO-1449 forms as having Eckhouse as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,660,836, inventor Knowlton; additional references are shown in the submitted PTO-1449 forms as having Knowlton as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,735,844, inventor Anderson; additional other references are shown in the submitted PTO-1449 forms as having Anderson as an inventor, and these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent No. 5,885,274, inventor Fullmer.
- US Patent No. 6,080,146, inventor Altshuler; additional other references are shown in the submitted PTO-1449 forms as having Altshuler as an inventor, and many of these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) ☒ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they: (a) are either U.S. Patents or published U.S. patent applications; (b) are a U.S. patent application, the image of which is stored in the USPTO's file wrapper (IFW) system; or (c) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given
- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. ALTU-530, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the

above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: Dec. 20, 2004

By: 

Brian J. Keating
Reg. No. 39,520

Attorneys for Applicant(s)

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

ALTU-530

Application Number

10/687,040

Applicant(s)

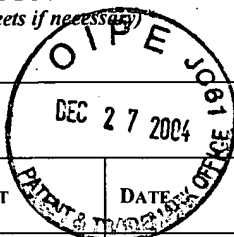
Kevin P. Connors et al.

Filing Date

October 16, 2003

Group Art Unit

3739



U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	634,113	03/15/1950	Riley	81(ii)	B22	03/10/1947
	*AB	2,699,771	01/18/1955	Rüttger-Pelli	128	24.1	08/03/1950
	*AC	3,327,712	06/27/1967	Kaufman et al.	128	398	09/15/1961
	*AD	3,648,706	03/14/1972	Holzer	128	395	11/23/1970
	*AE	3,867,948	02/25/1975	Kallenborn	128	395	02/13/1973
	*AF	4,020,383	04/26/1977	Labadini et al.	313	344	12/31/1975
	*AG	4,022,534	05/10/1977	Kishner	356	210	03/23/1976
	*AH	4,233,493	11/11/1980	Nath	219	354	12/09/1977
	*AI	4,298,005	11/03/1981	Mutzhas	128	396	07/05/1979
	*AJ	4,505,545	03/19/1985	Salia-Munoz	350	321	01/21/1983
	*AK	4,539,987	09/10/1985	Nath et al.	128	303.1	06/04/1984
	*AL	4,608,990	09/02/1986	Elings	128	633	09/12/1983
	*AM	4,658,823	04/21/1987	Beddoe et al.	128	396	04/15/1986
	*AN	4,667,658	05/26/1987	Guibert	128	24.1	04/23/1986
	*AO	4,686,986	08/18/1987	Fenyö et al.	128	396	04/26/1982
	*AP	4,747,660	05/31/1988	Nishioka et al.	350	96.25	01/29/1987
	*AQ	4,757,431	07/12/1988	Cross et al.	362	261	07/01/1986
	*AR	4,784,135	11/15/1988	Blum et al.	128	303.1	08/11/1986
	*AS	4,860,172	08/22/1989	Schlager et al.	362	32	01/19/1988
	*AT	4,884,568	12/05/1989	Hahn	128	303.1	01/03/1988
	*AU	4,930,504	06/05/1990	Diamantopoulos et al.	128	395	11/13/1987
	*AV	4,950,880	08/21/1990	Hayner	250	201.9	07/28/1989
	*AW	4,976,709	12/11/1990	Sand	606	5	06/30/1989
	*AX	5,139,494	08/18/1992	Freiberg	606	3	09/04/1991
	*AY	5,161,526	11/10/1992	Hellwing et al.	128	395	03/18/1991
	*AZ	5,207,671	05/04/1993	Franken et al.	606	9	04/02/1991
	*BA	5,259,380	11/09/1993	Mendes et al.	607	115	11/15/1990
	*BB	5,304,169	04/19/1994	Sand	606	5	08/17/1992
	*BC	5,320,618	06/14/1994	Gustafsson	606	9	04/09/1991
	*BD	5,336,217	08/09/1994	Buys et al.	606	9	06/05/1992
	*BE	5,337,741	08/16/1994	Diamond	600	8	06/21/1991
	*BF	5,344,434	09/06/1994	Talmore	607	88	12/21/1992
	*BG	5,374,265	12/20/1994	Sand	606	5	08/06/1992
	*BH	5,409,479	04/25/1995	Dew et al.	606	9	08/24/1992
	*BI	5,441,531	08/15/1995	Zarate et al.	607	90	10/18/1993
	*BJ	5,458,596	10/17/1995	Lax et al.	606	31	05/06/1994
	*BK	5,511,563	04/30/1996	Diamond	128	848	02/18/1994
	*BL	5,569,979	10/29/1996	Scott et al.	313	636	09/26/1994
	*BM	5,572,091	11/05/1996	Langer et al.	313	636	05/17/1995
	*BN	5,591,157	01/07/1997	Hennings et al.	606	3	09/07/1994
	*BO	5,660,836	08/26/1997	Knowlton	424	400	05/05/1995
	*BP	5,769,844	06/23/1998	Ghaffari	606	16	06/07/1995
	*BQ	5,769,878	06/23/1998	Kamei	607	88	03/22/1996

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional) ALTU-530	Application Number 10/687,040
	Applicant(s) Kevin P. Connors et al.	
	Filing Date October 16, 2003	Group Art Unit 3739

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*BR	5,755,753	05/26/1998	Knowlton	607	98	05/05/1995
	*BS	5,782,895	07/21/1998	Zarate et al.	607	88	06/06/1995
	*BT	5,807,261	09/15/1998	Benaron et al.	600	473	06/07/1995
	*BU	5,810,801	09/22/1998	Anderson et al.	606	9	02/05/1997
	*BV	5,814,040	09/29/1998	Nelson et al.	606	9	05/15/1995
	*BW	5,820,625	10/13/1998	Izawa et al.	606	9	11/27/1996
	*BX	5,830,208	11/03/1998	Muller	606	9	01/31/1997
	*BY	5,843,074	12/01/1998	Cocilovo	606	10	03/17/1997
	*BZ	5,843,143	12/01/1998	Whitehurst	607	88	10/22/1993
	*CA	5,885,274	03/23/1999	Fullmer et al.	606	9	06/24/1997
	*CB	5,919,219	07/06/1999	Knowlton	607	102	08/19/1997
	*CC	5,964,749	10/12/1999	Eckhouse et al.	606	9	09/15/1995
	*CD	5,989,283	11/23/1999	Wilkens	607	88	09/25/1997
	*CE	6,015,404	01/18/2000	Altshuler et al.	606	9	12/02/1996
	*CF	6,080,146	06/27/2000	Altshuler et al.	606	9	02/24/1998
	*CG	6,096,066	08/01/2000	Chen et al.	607	88	09/11/1998
	*CH	6,120,497	09/19/2000	Anderson et al.	606	9	09/15/1998
	*CI	6,171,332	01/09/2001	Whitehurst	607	89	02/09/1998
	*CJ	6,241,753	06/05/2001	Knowlton	607	99	01/05/1996
	*CK	6,273,884	08/14/2001	Altshuler et al.	606	9	05/13/1998
	*CL	6,280,438	08/28/2001	Eckhouse et al.	606	9	08/18/1997
	*CM	6,319,273	11/20/2001	Chen et al.	607	88	12/16/1999
	*CN	6,377,855	04/23/2002	Knowlton	607	101	01/06/1998
	*CO	6,381,498	04/30/2002	Knowlton	607	101	01/06/1998
	*CP	6,387,089	05/14/2002	Kreindel et al.	606	9	05/10/1999
	*CQ	6,405,090	06/11/2002	Knowlton	607	102	06/30/1999
	*CR	6,413,253	07/02/2002	Koop et al.	606	27	11/03/1998
	*CS	6,443,978	09/03/2002	Zharov	607	91	04/09/1999
	*CT	6,453,202	09/17/2002	Knowlton	607	102	09/17/1999
	*CU	6,461,866	10/08/2002	Whitehurst	435	325	11/15/2000
	*CV	6,482,199	11/19/2002	Neev	606	10/	08/02/2000
	*CW	6,508,813	01/21/2003	Altshuler	606	9	03/12/1999
	*CX	6,517,532	02/11/2003	Altshuler et al.	606	9	12/28/1999
	*CY	6,558,372	05/06/2003	Altshuler	606	2	01/19/1999
	*CZ	6,569,155	05/27/2003	Connors et al.	606	9	03/13/2000
	*DA	6,602,275	08/05/2003	Sullivan	607	88	09/18/2000
	*DB	6,605,080	08/12/2003	Altshuler et al.	606	3	03/26/1999
	*DC	6,663,620	12/16/2003	Altshuler et al.	606	9	01/18/2002
	*DD	6,743,222	06/01/2004	Durkin et al.	606	9	12/07/2000
	*DE	6,749,624	06/15/2004	Knowlton	607	104	12/20/2001
	*DF	US 2002/0055092	05/09/2002	Hochman	435	4	10/30/2001
	*DG	US 2002/0128635	09/12/2002	Altshuler et al.	606	9	01/18/2002
	*DH	US 2003/0023283	01/30/2003	McDaniel	607	88	11/08/2001

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*DI	US 2003/0032950	02/13/2003	Altshuler et al.	606	9	05/23/2002
	*DJ	US 2003/0045916	03/06/2003	Anderson et al.	607	89	08/20/2002
	*DK	US 2003/0055414	03/20/2003	Altshuler et al.	606	9	10/21/2002
	*DL	US 2003/0065313	04/03/2003	Koop et al.	606	9	05/31/2002
	*DM	US 2003/0065314	04/03/2003	Altshuler et al.	606	9	09/17/2002
	*DN	US 2003/0199859	10/23/2003	Altshuler et al.	606	9	05/21/2003
	*DO	US 2004/0024388	02/05/2004	Altshuler	606	2	04/07/2003

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FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	DP	968854	06/03/1975	Canada	326	4		
	DQ	1041610	10/31/1978	Canada	326	16		
	DR	DE 33 47 730 A1	07/04/1985	Germany	A61N	5/06	Abstract	
	DS	WO 89/00871	02/09/1989	PCT	A61N	5/06		
	DT	DE 39 06 860 A1	09/28/1989	Germany	A61B	6/00	Abstract	
	DU	4-98795	03/31/1992	Japan	H05B	41/24	Abstract	
	DV	0 565 331 A2	04/05/1993	EPC	A61N	5/06		
	DW	WO 96/22813	08/01/1996	PCT	A61N	5/06		
	DX	WO 97/37723	10/16/1997	PCT	A61N	5/06		
	DY	WO 98/38933	09/11/1998	PCT	A61B	17/36		
	DZ	WO 00/54685	09/21/2000	PCT	A61B	18/20		
	EA	WO 00/54685 A3	09/21/2000	PCT	A61B	18/20	Search Report	
	EB	GB 2 360 946 A	10/10/2001	United Kingdom	A61N	5/01		

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EC	R.M. Adrian, "Treatment of Facial Telangiectasia Using the VersaPulse® Variable Pulse Width Frequency Doubled Neodymium:YAG Laser: A Case Report," 2 pages in length.
ED	J.C. Allain et al., "Isometric Tensions Developed During the Hydrothermal Swelling of Rat Skin," <i>Connective Tissue Research</i> , Vol. 7, pp. 127-133 (1980).
EE	R.R. Anderson et al., <i>International Advances in Surgical Oncology</i> (Volume 5), section entitled "Lasers in Dermatology Provide a Model for Exposing New Applications in Surgical Oncology," publisher Alan R. Liss, Inc. (1982), pp. 341-358.
EF	R.R. Anderson, Brochure by Palomar Medical Technologies, Inc., "A Clinical Study on Ruby Lasers for Permanent Hair Reduction," 8 pages in length (1999)
EG	R.R. Anderson, "Safety and Efficacy of the Palomar Ruby Laser for Hair Removal," Harvard Medical School, March 1997, 2 pages in length.
EH	R.R. Anderson, "Hair Removal Using Light," Harvard Medical School, March 1997, 2 pages in length.
EI	R.R. Anderson, "Clinical Use of the EpiLaser® System," 8 pages in length (1998).
EJ	Brochure, from Laser Aesthetics, Inc., "The Cool Touch Laser," one page in length.
EK	C. Chess et al., "Cool Laser Optics Treatment of Large Telangiectasia of the Lower Extremities," <i>J. Dermatol. Surg. Oncol.</i> , Vol. 19, pp. 74-80 (1993).
EL	W.F. Coulson et al., "Nonablative Laser Treatment of Facial Rhytides: Animal Study," <i>Abstract of BIOS '98 Symposium [Cutaneous Applications of Lasers]</i> , 24-30 January 1998 in San Jose, CA, one page in length.
EM	C.C. Danielsen, "Age-related thermal stability and susceptibility to proteolysis of rat bone collagen," <i>Biochem J.</i> , Vol. 272, No. 3, 1990 Dec. 15, pp. 697-701.
EN	C.C. Danielsen, "Thermal Stability of Reconstituted Collagen Fibrils, Shrinkage Characteristics upon <i>In Vitro</i> Maturation, <i>Mechanisms of Ageing and Development</i> , Vol. 15, pp. 269-278 (1981).
EO	J.S. Dover et al., "Pigmented Guinea Pig Skin Irradiated With Q-Switched Ruby Laser Pulses," <i>Arch. Dermatol.</i> , Vol. 125, Jan. 1989, pp. 43-49.
EP	R. Fitzpatrick, "Treatment of Wrinkles with the UltraPulse CO ₂ Laser," 3 pages in length.
EQ	L. Goldman, "Comparison of the Biomedical Effects of the Exposure of Human Tissues to Low and High Energy Lasers," <i>Ann. N.Y. Acad. Sci.</i> , Vol. 122, 1965 May 29, 1965, pp. 802-833.

Examiner	Date Considered
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OTHER DOCUMENTS
(Including Author, Title, Date, Pertinent Pages, Etc.)

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ES	J.M. Grevelink et al., "Clinical and Histological Responses of Congenital Melanocytic Nevi After Single Treatment With Q-Switched Lasers," <i>Arch. Dermatol.</i> , Vol. 133, Mar. 1997, pp. 349-353,
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EU	P. Kronick et al., "The Locations of Collagens with Different Thermal Stabilities in Fibrils of Bovine Reticular Dermis," <i>Connective Tissue Research</i> , Vol. 18, pp. 123-134 (1988).
EV	H. Kubota et al., "Atrial Ablation With an IRK-151 Infrared Coagulator," <i>Ann. Thoracic Surg.</i> , Vol. 66, pp. 95-100 (1998)
EW	J.G. Kuhns et al., "Laser Injury in Skin," <i>Laboratory Investigations</i> , Vol. 17, No. 1, pp. 1-13 (1967).
EX	M.A. Mainster, "Ophthalmic applications of infrared lasers—thermal considerations," <i>Invest. Ophthalmol. Visual Sci.</i> , Vol. 18, No. 4, April 1979, pp.414-420.
EY	T. Matsumoto et al., "Ruby Laser Treatment of Melanin Pigmented Skin Lesions using Toshiba Model LRT—301A Ruby Laser," <i>Journal of the Japanese Society for Laser Surgery and Medicine</i> , Vol. 10, No. 3, Dec. 1989, pp. 451-454.
EZ	J.B. Murdoch, <i>Illumination Engineering -- From Edison's Lamp to the Laser</i> , Chapt. 6.8 entitled "Tungsten-Halogen Lamps," published by Macmillan Publishing Company (1985), pp. 208-211.
FA	M.H. Niemz, <i>Laser-Tissue Interactions Fundamentals and Applications</i> , Chapt. 3.2.3 entitled "Heat Effects," published by Springer-Verlag Berlin Heidelberg (1996), pp. 77-80.
FB	T. Ohshiro et al., "The Ruby and Argon Lasers in the Treatment of Naevi," <i>Annals Academy of Medicine</i> , Vol. 12, No. 2 (Suppl.), April 1983, 8 pages in length.
FC	T. Ohshiro, "Treatment by Ruby Laser Beams in the Field of Dermatology," <i>Japan Medical News</i> , "Separate Volume No. 2768, issued on May 14, 1997, 21 pages in length (English translation attached).
FD	H. Ohtsuka et al., "Ru Laser Histological Studies and Clinical Experiences of Ruby Laser Treatment," 9 pages in length (1991) (1st page is an English Abstract).
FE	I. Ono et al., "Histopathological Alteration of Skin and Irradiation of Rudy Laser," <i>Journal of the Japanese Society for Laser Surgery and Medicine</i> , Vol. 11, No. 4, 4 March 1991, 2 pages in length (1st page is an English abstract).
FF	D.Y. Paithankar et al., "Acne Treatment With a 1,450 nm Wavelength Laser and Cryogen Spray Cooling," <i>Lasers in Surgery and Medicine</i> , Vol. 31, pp. 106-114 (2002).
FG	J.A. Pearce et al., "Kinetic Models of Laser-Tissue Fusion Processes," <i>Biomed. Sci. Instrum.</i> , Vol. 29, pp. 355-360 (1993).
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Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	